IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 375 OF 2005

Shri Ramdas Baburao Jadhav ...Petitioner
V/s.
Anita Baburao Jadhav & Ors. ...Respondents

Mr.Avinash B. Avhad for the Petitioner.
Ms.Kirti Kokil i/b. Mr.Kiran Bhagalia for the Respondent nos.1 and 2.
Mr.P.S. Hingorani, APP for State.

CORAM : V.M. KANADE, J.

DATED : AUGUST 22, 2007

P.C. :-

. Heard the learned Counsel for the petitioner and the learned Counsel for the respondents.

2. The petitioner is challenging the order passed by the Sessions Judge whereby the revision application filed by the respondent wife was allowed and the petitioner herein was directed to pay maintenance amount of Rs.1000/- per month to the respondent. Brief facts are that the respondent filed an application for maintenance under Section 125 of Cr.P.C. before the Judicial Magistrate, First Class, Wai. The said application was partly allowed. The claim of

maintenance of the respondent wife was rejected. Against this order, the respondent wife filed a revision application before the Sessions Court which was allowed. Being aggrieved by the aforesaid order, the present writ petition is filed.

3. It is submitted that there is evidence to show that the respondent was legally wedded wife of the petitioner. It is submitted that though the fact of cohabitation has not been disputed by the petitioner, the petitioner, in fact, denied the existence of the valid and legal marriage between them.

4. In my view, the said submission cannot be accepted. It is an admitted position that they were residing together for a sufficiently long period and one daughter was born out of the said relations. The Apex Court has held that if the parties are residing as husband and wife for a long period of time, presumption raised is that they are legally married and it is not necessary to prove that the ceremonies were performed. There is no dispute about the paternity of the child

which was born out of the said marriage. The respondent has produced photographs which clearly indicate that that some ceremony had been undergone between the parties. In my view, there is no infirmity in the order passed by the Sessions court. There is no reason to interfere with the impugned order.

5. Writ Petition is dismissed.

6. The costs may be paid by the petitioner to the respondent as directed by this Court.

(V.M. KANADE, J.)